

AGENDA
Interested Persons Meeting
February 28, 2012 10:00 AM
8th Floor Hearing Room
428 J Street, Suite 800
Sacramento, California

**Proposal Regarding Application of the Act's Conflict of Interest Provisions
To California Charter Schools**

Staff of the Fair Political Practices Commission will be holding an interested persons' meeting to elicit public input on possible Commission regulations codifying long-standing advice regarding application of the Act's conflict of interest provisions to charter schools.

Public officials governed by the Act include "every member, officer, employee or consultant of a state or local government agency . . ." (Section 82048.) Local government agency means a "county, city or district of any kind including school district, or any other local or regional political subdivision, or any department, division, bureau, office, board, commission or other agency of the foregoing." (Section 82041.)

Education Code 47600 et seq. provides for the establishment of a charter school by the granting of a charter for the operation of the school by the governing board of a school district. The Commission's longstanding advice has been that charter schools organized under Education Code section 47600 et seq. are *local government agencies* and that members of a charter school's board of directors are "public officials." Accordingly, charter school employees and board members are subject to the Act, as specified above.

The Commission has advised that a charter school must either adopt a conflict of interest code or be incorporated in the conflict of interest code of its authorizing agency. We have also advised that, under certain circumstances, board members of a nonprofit organization that operates a charter school are subject to the conflict of interest provisions of the Act, including disclosure of financial interests pursuant to a conflict of interests code.

Commission advice is consistent with a stated purpose of the Act: "Assets and income of public officials which may be materially affected by their official actions should be disclosed and in appropriate circumstances the officials should be disqualified from acting in order that conflicts of interest may be avoided." (Section 81002(c).)

The Commission would especially welcome public comment on the following topics:

- Should charter schools adopt their own conflict-of-interest-code or be incorporated in the conflict-of-interest code of their authorizing agency?
- What elements would a model code for charter schools include? What would such a model code look like? (An example of a model code is attached for discussion purposes.)
- Which agency should be the filing officer for charter schools (i.e. local school board or county board of education)?

Staff is holding an interested persons meeting to solicit both specific and general input and suggestions regarding the proposed regulations. You may participate in this interested persons meeting in person or by teleconference by calling (888) 751-0624; access code 723284. For questions about participating by phone, you may contact Virginia Latteri-Lopez at (916) 322-5660.

The Commission also invites written comments addressing these topics. You may also contact Commission Counsel Emelyn Rodriguez at (916) 322-5660 with comments on these issues or questions about the meeting.